

AMENDMENTS TO THE CLAIMS

The following listing of claims will replace all prior versions and listings of claims in the application.

LISTING OF CLAIMS

1. (Original) An isolated DNA sequence comprising a promoter or a promoter fragment of a mycobacterial secreted acid phosphatase gene wherein the promoter or the promoter fragment is sufficient to control expression of a nucleotide sequence of interest and is inducible under low-pH conditions.
2. (Original) The isolated DNA sequence of claim 1, wherein the promoter or the promoter fragment is selected from the group consisting of a *Mycobacterium tuberculosis* sapM promoter or promoter fragment, a *Mycobacterium bovis* sapM promoter or promoter fragment, a *Mycobacterium avium* sapM promoter or promoter fragment, and a *Mycobacterium marinum* sapM promoter or promoter fragment.
3. (Original) An isolated DNA sequence comprising a promoter or a promoter fragment sufficient to control expression of a nucleotide sequence of interest and inducible under low-pH conditions, wherein the promoter or the promoter fragment hybridize to a sapM promoter selected from the group consisting of a *Mycobacterium tuberculosis* sapM promoter [SEQ ID NO:1], a *Mycobacterium bovis* sapM promoter [SEQ ID NO:2], a *Mycobacterium avium* sapM promoter [SEQ ID NO:3] and a *Mycobacterium marinum* sapM promoter [SEQ ID NO:4] under high stringency hybridization conditions.
4. (Currently Amended) An expression vector comprising the isolated DNA sequence of claim 1, ~~2 or 3~~.

5. (Original) A host cell transformed with the vector of claim 4.
6. (Original) A transcription cassette comprising:
- (a) a mycobacterial secreted acid phosphatase promoter or promoter fragment, wherein the promoter or the promoter fragment is sufficient to control expression of a nucleotide sequence of interest;
 - (b) a nucleotide sequence of interest operably linked to the promoter or the promoter fragment; and
 - (c) a transcriptional termination region.
7. (Original) The transcription cassette of claim 6 wherein the mycobacterial secreted acid phosphatase promoter or promoter fragment is selected from the group consisting of a *Mycobacterium tuberculosis* sapM promoter [SEQ ID NO:1], a *Mycobacterium bovis* sapM promoter [SEQ ID NO:2], a *Mycobacterium avium* sapM promoter [SEQ ID NO:3], and a *Mycobacterium marinum* sapM promoter [SEQ ID NO:4].
8. (Currently Amended) The transcription cassette of claim 6 or 7 further comprising a mycobacterial secreted acid phosphatase N-terminal signal sequence.
9. (Original) The transcription cassette of claim 8 wherein the mycobacterial secreted acid phosphatase N-terminal signal sequence is selected from the group consisting of a *Mycobacterium tuberculosis* sapM N-terminal signal sequence [SEQ ID NO:5], a *Mycobacterium bovis* sapM N-terminal signal sequence [SEQ ID NO:6], a *Mycobacterium avium* sapM N-terminal signal sequence [SEQ ID NO:7], and a *Mycobacterium marinum* sapM N-terminal signal sequence [SEQ ID NO:8].

10. – 27. (Cancelled)

28. (Currently Amended) A vaccine or immunogenic composition for treatment or prophylaxis of a mammal against challenge by a mycobacterium comprising the isolated DNA sequence claim 1, ~~2 or 3~~.

29. – 30. (Cancelled)

31. (New) An expression vector comprising the isolated DNA sequence of claim 2.

32. (New) An expression vector comprising the isolated DNA sequence of claim 3.

33. (New) A host cell transformed with the vector of claim 31.

34. (New) A host cell transformed with the vector of claim 32.

35. (New) The transcription cassette of claim 7 further comprising a mycobacterial secreted acid phosphatase N-terminal signal sequence.

36. (New) The transcription cassette of claim 35 wherein the mycobacterial secreted acid phosphatase N-terminal signal sequence is selected from the group consisting of a *Mycobacterium tuberculosis* sapM N-terminal signal sequence [SEQ ID NO:5], a *Mycobacterium bovis* sapM N-terminal signal sequence [SEQ ID NO:6], a *Mycobacterium avium* sapM N-terminal signal sequence [SEQ ID NO:7], and a *Mycobacterium marinum* sapM N-terminal signal sequence [SEQ ID NO:8].

37. (New) A vaccine or immunogenic composition for treatment or prophylaxis of a mammal against challenge by a mycobacterium comprising the isolated DNA sequence claim 2.

38. (New) A vaccine or immunogenic composition for treatment or prophylaxis of a mammal against challenge by a mycobacterium comprising the isolated DNA sequence claim 3.